

1 PERRIE M. WEINER (SBN 134146)
2 perrie.weiner@dlapiper.com
3 EDWARD D. TOTINO (SBN 169237)
4 edward.totino@dlapiper.com
5 MONICA D. SCOTT (SBN 286109)
6 monica.scott@dlapiper.com
DLA PIPER LLP (US)
7 2000 Avenue of the Stars, Suite 400 North Tower
8 Los Angeles, CA 90067-4704
Telephone: 310.595.3000
Facsimile: 310.595.3300

7 Attorneys for Defendant
8 SIX CONTINENTS HOTELS, INC.

9
10 **UNITED STATES DISTRICT COURT**
11
12 **NORTHERN DISTRICT OF CALIFORNIA**

12 LAURA MCCABE and LATROYA
13 SIMPSON, individually and on behalf
of similarly situated individuals,

14 Plaintiffs,

15 v.

16 SIX CONTINENTS HOTELS, INC.;
and DOES 2 through 10, inclusive,

17 Defendants.

18 CASE NO. C12-4818-NC

19
20 **DEFENDANT SIX CONTINENTS**
HOTELS, INC.'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS AND
LITIGATION EXPENSES,
CLAIMS ADMINISTRATION
FEES AND ENHANCEMENT
PAYMENTS

21 Date: February 3, 2016
Time: 1:00 p.m.
Place: Courtroom D – 15th Floor

22 Complaint Filed: July 3, 2012
FAC Filed: July 19, 2012
SAC Filed: Oct. 11, 2013
TAC Filed: July 6, 2015
Trial Date: None

1 Defendant SIX CONTINENTS HOTELS, INC. (“Defendant”) hereby
 2 submits the following opposition to Plaintiffs LAURA MCCABE and LATROYA
 3 SIMPSON’s (“Plaintiffs”) Motion for Attorneys’ Fees, Costs and Litigation
 4 Expenses, Claims Administration Fees and Enhancement Payments (“Motion”), as
 5 follows:

6 Defendant opposes Plaintiffs’ request for attorneys’ fees of over 25% of the
 7 common fund. Under both California state law and federal law, the standard fee
 8 award in common fund cases is 25%. *See, e.g., In re Consumer Privacy Cases*, 175
 9 Cal. App. 4th 545, 558, n. 13 (“A fee award of 25 percent ‘is the ‘benchmark’
 10 award that should be given in common fund cases’”’) (citations omitted); *Couser v.*
 11 *Comenity Bank*, ---F. Supp. 3d---, 2015 WL 5117082, at *9 (S.D. Cal. May 27,
 12 2015) (“[i]t is well established that 25% of the gross settlement amount is the
 13 benchmark in the Ninth Circuit for attorneys’ fees award under the percentage
 14 method”). There is no reason to deviate from this established standard here.

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 16 Dated: December 7, 2015

DLA PIPER LLP (US)

17
 18 By /s/ Monica D. Scott
 19 PERRIE M. WEINER
 20 EDWARD D. TOTINO
 21 MONICA D. SCOTT
 22 Attorneys for Defendant
 23 SIX CONTINENTS HOTELS, INC.
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